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**MF**

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/086, 294 05/28/98 STUMER

P 98-P-7528-US

WM01/0913

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN NJ 08830

EXAMINER

DEANE JR, W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2642

DATE MAILED:

09/13/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

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|------------------------------|-----------------|------------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)     |  |
|                              | 09/086,294      | STUMER, PEGGY M. |  |
|                              | Examiner        | Art Unit         |  |
|                              | William J Deane | 2642             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)                            18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    19) Notice of Informal Patent Application (PTO-152)  
 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                    20) Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.4,400,587(Taylor et al.) in view of U.S. Patent No. 6,011,842 (Brivet et al.)

With respect to claims 1 - 6 and 8 - 12, applicant's claims are so broad as to read on just about any type of switches, nodes or servers. For example, Taylor et al. teach one or more servers (i.e., ACDs A, B, C of Fig. 1), a monitoring system responsive to a control program to determine which server will execute a service. Note that Taylor et al teach that if there is an overflow another server (ACD) will be chosen to complete the service of getting the call to the appropriate agent. Note that the call from the server (ACD) is a redirection of the call and that call forwarding and call transfer is a redirection service.

Therefore, Taylor et al. teach the claimed device except for the supplementary communications service request aspect of the invention. However, Brivet et al. teach such (see Abstract). It would have been obvious to one of ordinary skill in the art to have incorporated the supplementary communications service request aspect as taught by Brivet et al. into the Taylor et al. device as such would only entail the substitution of one well known type of node for another.

Further note, with respect to claim 5, that Taylor et al. teach a predetermined condition (see Fig. 6, step called launch and Col 4. Lines 38+) and that if the time limit is exceeded the system is disabled (Fig. 6). With respect to claim 7, note Fig. 6, the periodic entry aspect to Taylor et al. With respect to claim 8, note that any of the tables in Fig. 7 can be customized and the predetermined time (Launched) can be customized.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 - 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306 - 5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308 - 6306.

*wp*  
WJD  
9/8/01

*Ahmad Matar*  
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SUPERVISORY PATENT EXAMINER  
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